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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/574,945
Filing Date: April 07, 2006
Appellant(s): YOSHIDA ET AL.

Christopher M. Tobin-Ronald P. Kananen (Reg. No. 40,290-24,104)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 9, 2008 appealing from the Office action mailed March 10, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The summary of claimed subject matter contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2003/0161616 A1	Um et al.	07-2003
US 5,659,742	Beattie et al.	09-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Um et al. (US Publication No. 2003/01161616 A1)**, in view of **Beattie et al. (US Patent 5,659,742).**

As per Claim 1 Um discloses:

- A file managing apparatus for managing files recorded on a recording medium which has an index file recorded as a series of entries including blocks of extract information derived from and corresponding to said files to be managed; wherein said index file includes a plurality of files into which data including the extract information is divided by attribute and the plurality of files includes a property file having data representative of attributes of said files to be managed;

(Abstract, "The present invention relates to a method of conducting management operations such as deletion, copy, and movement of recorded still pictures recorded on a recording medium. The present method records still pictures onto a recording medium, groups the recorded still pictures based on their attributes, creates a list listing filenames of respective still pictures belonging to each *still-picture group*, and writes the filename list onto the recording medium. Afterwards, if a deleting or an inter-group moving command is received for a still picture recorded on the recording medium, the present method deletes a filename of the still picture …") and (Par [0030]).

- wherein said file managing apparatus records a still picture file in such a manner that an entry including extract information about the still picture file is registered into said index file,

(Par [0009], "By the way, a digital video recorder (DVR) records video and audio data in a file structure shown in FIG. 2. The file structure of FIG. 2 has a DVR directory under a root directory. The DVR directory includes a menu file `menu.tdat`, a mark file mark.tdat`, and their index files `menu.tidx` and `mark.tidx`. The menu and the mark file

have menu data and mark data respectively and the index files have search data to index menu and mark data in the menu and the mark file.").

- and reorganizes said index file in such a manner that a plurality of still picture files recorded on said recording medium are grouped into a single movie file;

(Abstract and Claim 2, further comprising the step of conducting presentation of still pictures of a chosen still picture group in order that their filenames are arranged on a filename list associated with the chosen still-picture group") and (Par [0023], "... a still picture video 12 and a still picture audio encoder 13, a movie video 14 and a movie audio encoder 15…").

- and wherein the entries corresponding to said plurality of still picture files grouped into said movie file are deleted from said index file by setting a valid-invalid information as invalid in the property file to indicate that the corresponding extract information is invalid,

(Par [0010]) and (Par [0014], "Another method of managing a still picture recorded on a recording medium in accordance with the present invention is characterized in that it comprises the steps of: receiving a deleting or an inter-group moving command for a still picture recorded on a recording medium; and deleting a filename of the still picture written on a filename list including the filename of the still picture.") and (Par [0051], "If a file deletion is requested by a user, the controller 19 deletes a concerned filename on a filename list without deleting that data file. The data file whose filename has been

deleted in the filename list is not presented when a SPG including the data file is presented.") and (Par [0053]). The "STREAM " being the "movie file" file as claimed.

- while an entry comprising including extract information about said movie file is registered into said index file.

(Par [0053], "The entry position to be inserted is equivalent to a presentation order of the moved or copied still picture (or DCF object). FIG. 8 illustrates, in the second SPG, that the DCF object `BABY1095` is newly added to the second SPG and its presentation order is next to the object `BABY0999`.").

However Um does not specifically discloses "deleted from said index file"

On the other hand Beattie discloses the above claimed feature as follow:

(Col. 31, lines 26-39, "An index update unit 932 is also coupled to the publisher format conversion block 912 of the data preparation component 900. The index update unit 932 updates the document indexes within the document index 117 when a new document or group of documents is added to the data center 110. Additionally, the index update unit 932 updates the document index database 117 when documents are purged from the data center…").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the teachings of Beattie into the method of Um to take advantage updating the index file according to deletion. The modification would have been obvious because one of the ordinary skills in the art would implement deleting the transferred data to a new file to avoid repetition and save space.

As per Claim 2, the rejection of claim 1 is incorporated and further Um discloses:

- wherein said movie file is an external reference type file which offers the corresponding still pictures in reference to said plurality of still picture files recorded on said recording medium; and wherein said file managing apparatus forms said movie file so that said movie file points to said plurality of still picture files.

(Par [0010], "The `DVR` directory is mandatory for motion picture recording of a DVR. The `DVR` directory has directories `PLAYLIST`, `CLIPINF`, and `STREAM`. The `PLAYLIST` directory includes playlist files (*.rpls,*. vpls) containing motion-picture and still-picture play items and title management information. The directory `CLIPINF` includes clip information files (*.clpi) containing information on movie stream management and movie attribute and the directory `STREAM` includes stream files (*.m2ts) containing actual motion-picture data stream packets.") and (Abstract and claim 12, "…including data of a plurality of still pictures and at least one list, wherein said list includes filenames of the still pictures to define presentation sequence of the still pictures.") and (Par [0043], "The still-picture information file (*.stli) is structure as shown in FIG. 6. The still-picture information file is composed of general information of still-picture information `Stillinfo_GI`, a plurality of SPG information search pointers `SPGI_SRP #k`, and plural pieces of SPG information `SPGI #k`. The general

information of still-picture information `Stillinfo_GI` includes type of still pictures, recording time, the number of SPGIs, and so on.").

As per Claim 3, the rejection of claim 1 is incorporated and further Um discloses:

- wherein said movie file is a self-contained type file which has real data representative of picture data related to said plurality of still picture files and which offers the corresponding still pictures based on said real data;

(Par [0030], "At this time, the controller 19 creates management information to group still pictures and associated audio data or thumbnails. The group is determined based on attribute or subject of data objects, namely still pictures and/or audio data.") and (Fig. 1 and Fig. 2).

- wherein said file managing apparatus forms said movie file by successively acquiring said picture data from said plurality of still picture files; and wherein, upon deleting from said index file the entries corresponding to said plurality of still picture files grouped into said movie file, said file managing apparatus also deletes said plurality of still picture files.

(Par [0035], "FIGS. 4 to 8 show a schematic still-picture recording/grouping process and group management information related with still picture managing in accordance with the present invention. In this embodiment, the controller 17 records still pictures, and associated audio data and thumbnails, etc. in the DCF structure adopted by a DSC, as shown in FIG. 4. At this time, still pictures and associated audio data and thumbnails with same attribute are designated to a single SPG. At this time, a file name list is

created for the single…") and (Abstract, "…Afterwards, if a deleting or an inter-group moving command is received for a still picture recorded on the recording medium, the present method deletes a filename of the still picture written on the filename list including the filename of the still picture…").

As per Claim 4, the rejection of claim 2 is incorporated and further Um discloses:

- wherein said extract information is organized into groups by attribute of said extract information so that entries of thumbnail images representative of said still picture files are formed in said index file; wherein said file managing apparatus acquires data about said thumbnail images representative of said plurality of still picture files from said index file and associates the acquired data with said still picture files so as to form groups of real data including the data about said thumbnail images in said movie file; and wherein said file managing apparatus deletes the entries of said thumbnail images representative of said still picture files recorded in said index file.

(Abstract, "The present invention relates to a method of conducting management operations such as deletion, copy, and movement of recorded still pictures recorded on a recording medium. The present method records still pictures onto a recording medium, groups the recorded still pictures based on their attributes, creates a list listing filenames of respective still pictures belonging to each still-picture group, and writes the filename list onto the recording medium. Afterwards, if a deleting or an inter-group moving command is received for a still picture recorded on the recording medium, the

present method deletes a filename of the still picture written on the filename list including the filename of the still picture. Such a still picture managing method through a filename list ensures that moving, copying, and deleting operations of numerous recorded still pictures can be conducted easily.") and (Par [0030], "…At this time, the controller 19 creates management information to group still pictures and associated audio data or thumbnails. The group is determined based on attribute or subject of data objects, namely still pictures and/or audio data.").

As per Claim 5, the rejection of claim 3 is incorporated and further Um discloses:

- wherein said extract information is organized into groups by attribute of said extract information so that entries of thumbnail images representative of said still picture files are formed in said index file;

(Par [0030], "…At this time, the controller 19 creates management information to group still pictures and associated audio data or thumbnails. The group is determined based on attribute or subject of data objects, namely still pictures and/or audio data.").

- wherein said file managing apparatus acquires data about said thumbnail images representative of said plurality of still picture files from said index file and associates the acquired data with the picture data so as to form groups of real data including a series of the data about said thumbnail images in said movie file; and wherein said file managing apparatus deletes the entries of said thumbnail images representative of said still picture files recorded in said index file.

(Abstract and Claim 4, "…further comprising the step of copying, if change of presentation sequence of still pictures of a still-picture group is requested, a filename list associated with the still-picture group, and rearranging filenames on the copied filename list in accordance with the change request of presentation sequence.").

As per Claim 6, the rejection of claim 2 is incorporated and further Um discloses:

- wherein said extract information is organized into groups by attribute of said extract information so that entries in text of titles representative of said still picture files are formed in said index file;

(Par [0030], "…At this time, the controller 19 creates management information to group still pictures and associated audio data or thumbnails. The group is determined based on attribute or subject of data objects, namely still pictures and/or audio data.") and (Par [0010], "…containing motion-picture and still-picture play items and title management information….").

- wherein said file managing apparatus acquires data about said titles representative of said plurality of still picture files from said index file and associates the acquired data with said still picture files so as to form groups of real data including the data about said titles in said movie file; and wherein said file managing apparatus deletes the entries of said titles representative of said still picture files recorded in said index file.

(Abstract, "The present invention relates to a method of conducting management operations such as deletion, copy, and movement of recorded still pictures recorded on

a recording medium. The present method records still pictures onto a recording medium, groups the recorded still pictures based on their attributes, creates a list listing filenames of respective still pictures belonging to each still-picture group, and writes the filename list onto the recording medium. Afterwards, if a deleting or an inter-group moving command is received for a still picture recorded on the recording medium, the present method deletes a filename of the still picture written on the filename list including the filename of the still picture. Such a still picture managing method through a filename list ensures that moving, copying, and deleting operations of numerous recorded still pictures can be conducted easily.") and (Par [0030], "…At this time, the controller 19 creates management information to group still pictures and associated audio data or thumbnails. The group is determined based on attribute or subject of data objects, namely still pictures and/or audio data.").

As per Claim 7, the rejection of claim 3 is incorporated and further Um discloses:

- wherein said extract information is organized into groups by attribute of said extract information so that entries in text of titles representative of said still picture files are formed in said index file;

(Abstract, "The present invention relates to a method of conducting management operations such as deletion, copy, and movement of recorded still pictures recorded on a recording medium. The present method records still pictures onto a recording medium, groups the recorded still pictures based on their attributes, creates a list listing filenames of respective still pictures belonging to each still-picture group, and writes the

filename list onto the recording medium. Afterwards, if a deleting or an inter-group moving command is received for a still picture recorded on the recording medium, the present method deletes a filename of the still picture written on the filename list including the filename of the still picture. Such a still picture managing method through a filename list ensures that moving, copying, and deleting operations of numerous recorded still pictures can be conducted easily.").

- wherein said file managing apparatus acquires data about said titles representative of said plurality of still picture files from said index file and associates the acquired data with the picture data so as to form groups of real data including the data about said titles in said movie file; and wherein said file managing apparatus deletes the entries of said titles representative of said still picture files recorded in said index file.

(Par [0010]) and (Par [0014], "Another method of managing a still picture recorded on a recording medium in accordance with the present invention is characterized in that it comprises the steps of: receiving a deleting or an inter-group moving command for a still picture recorded on a recording medium; and deleting a filename of the still picture written on a filename list including the filename of the still picture.") and (Par [0051], "If a file deletion is requested by a user, the controller 19 deletes a concerned filename on a filename list without deleting that data file. The data file whose filename has been deleted in the filename list is not presented when a SPG including the data file is presented.") and (Par [0053]).

As per Claim 8, the rejection of claim 1 is incorporated and further Um discloses:

- wherein said plurality of still picture files associated with the reorganization of said index file belong to a particular folder.

(Abstract and Claim 2, "further comprising the step of conducting presentation of still pictures of a chosen still-picture group in order that their filenames are arranged on a filename list associated with the chosen still-picture group.") and (Par [0009], "The file structure of FIG. 2 has a DVR directory under a root directory. The DVR directory includes a menu file `menu.tdat`, a mark file `mark.tdat`, and their index files `menu.tidx` and `mark.tidx`. The menu and the mark file have menu data and mark data respectively and the index files have search data to index menu and mark data in the menu and the mark file.").

As per Claim 9, the rejection of claim 1 is incorporated and further Um discloses:

- wherein the number of entries in said index file is determined and said index file is reorganized based on the determination result.

(Par [0030], "…The group is determined based on attribute or subject of data objects, namely still pictures and/or audio data.") and (Abstract and Claim 2, "…further comprising the step of conducting presentation of still pictures of a chosen stillpicture group in order that their filenames are arranged on a filename list associated with the chosen still-picture group.").

As per Claim 10, the rejection of claim 1 is incorporated and further Um discloses:

- wherein the number of entries determined in said index file is presented to a user and said index file is reorganized in response to user instruction.

(Par [0053], "If a user requests movement or copy of a still picture (or a DCF object) to other SPG, its filename is, in case of movement, deleted in a filename list of a previous SPG, as explained before, and is inserted in a proper entry position of a filename list of a target SPG. The entry position to be inserted is equivalent to a presentation order of the moved or copied still picture (or DCF object). FIG. 8 illustrates, in the second SPG, that the DCF object `BABY1095` is newly added to the second SPG and its presentation order is next to the object `BABY0999`.") and (Par [0054], "For conducting user's request of presentation sequence change, a user-defined filename list can be created additionally. In this case, when a user changes presentation sequence, concerned filenames are moved and/or deleted on the additional user-defined filename list while an original filename list in the SPGI is not altered.").

As per Claim 11, the rejection of claim 1 is incorporated and further Um discloses:

- wherein re-registration of said still picture files is carried out in such a manner that the entry including the extract information about said movie file is deleted from said index file while the entries including the extract information about said plurality of still picture files are registered into said index file.

(Abstract and Claim 7, "further comprising the step of inserting, in case of an inter-group moving command, a filename of the movement-requested still picture in a filename list including filenames of still picture files belonging to a target group.").

However Um does not specifically discloses “deleted from said index file”

On the other hand Beattie discloses the above claimed feature as follow:

(Col. 31, lines 26-39, “An index update unit 932 is also coupled to the publisher format conversion block 912 of the data preparation component 900. The index update unit 932 updates the document indexes within the document index 117 when a new document or group of documents is added to the data center 110. Additionally, the index update unit 932 updates the document index database 117 when documents are purged from the data center…”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to incorporate the teachings of Beattie into the method of Um to take advantage updating the index file according to deletion. The modification would have been obvious because one of the ordinary skills in the art would implement deleting the transferred data to a new file to avoid repetition and save space.

As per Claim 12, being the method claim corresponding to the apparatus claim 1, respectively and rejected under the same reason set forth in connection of the rejections of Claim 1 and further Um discloses: (Par [0021], “FIG. 3 is a block diagram of a disk device which a method of managing still pictures recorded on a rewritable recording medium in accordance with the present invention is embedded in.”).

As per Claim 13, being the method program claim corresponding to the apparatus claim 1, respectively and rejected under the same reason set forth in connection of the rejections of Claim 1 and further Um discloses: (Tile, "Method of managing recorded still pictures on a recording medium").

As per Claim 14, being the recording medium claim corresponding to the apparatus claim 1, respectively and rejected under the same reason set forth in connection of the rejections of Claim 1 and further Um discloses: (Tile, "Method of managing recorded still pictures on a recording medium").

(10) Response to Argument

I. Rejection of Claims 1.

Appellant argues that Um does not disclose "consolidating index file entries into a single movie file" and further more states that the Um reference discloses a technique for placing reference to files into groups,

As to the above argument, Examiner respectfully submits that the Abstract recites "records still pictures onto a recording medium, groups the recorded still pictures based on their attributes, creates a list listing filenames of respective still pictures belonging to each *still-picture group*, and writes the filename list onto the recording medium…". Also Par [0035] emphasizes the "into a single movie file" reciting "At this time, still pictures and associated audio data and thumbnails with same attribute are designated to a *single SPG*. At this time, a file name list is created for the single SPG." The directory

mentioned in the Par [0009] recites the index files pertaining to the mentioned files. Each "SPG" includes a coding mode recited in Par [0045] being “The picture attribute includes a coding mode (JPEG/TIFF/*MPEG*)…HDTV:1920.times.1080/SXGA:1280.times.960/XGS:1024. times.768/ . . .), and the audio attribute includes a coding mode (PCM/IMA-ADPCM/AC-3/*MPEG1-L2*), a sampling rate (8 kHz/11.025 kHz/48 kHz/96 kHz/ . . .), the number of channels (1/2/4/5.1/ . . .), and a quantization level (8/16/24 bits)”.

As to the argument that the Um reference provides organizational listing of the picture files, it is stated in the abstract that those listings belong to the “still-picture group” which accordingly the grouping feature is in the mentioned reference, prior to the listing feature.

According to Microsoft® Computer Dictionary, Fifth Edition (May 1, 2002):

The definition for MPEG-2 is n. An extension of the MPEG-1 standard designed for broadcast television, including HDTV. MPEG-2 defines a higher bandwidth of up to 40 Mbps, five audio channels, a wider range of frame sizes, *and interlaced video.*

Regarding Claim 1, Appellant argued that “there is no deletion of the index file for the picture, as the Um technique is merely organizing pictures into a file list”

As to the above argument, Examiner respectfully submits that the Abstracts also mentions the recited feature as follows “Afterwards, if a deleting or an inter-group moving command is received for a still picture recorded on the recording medium, the

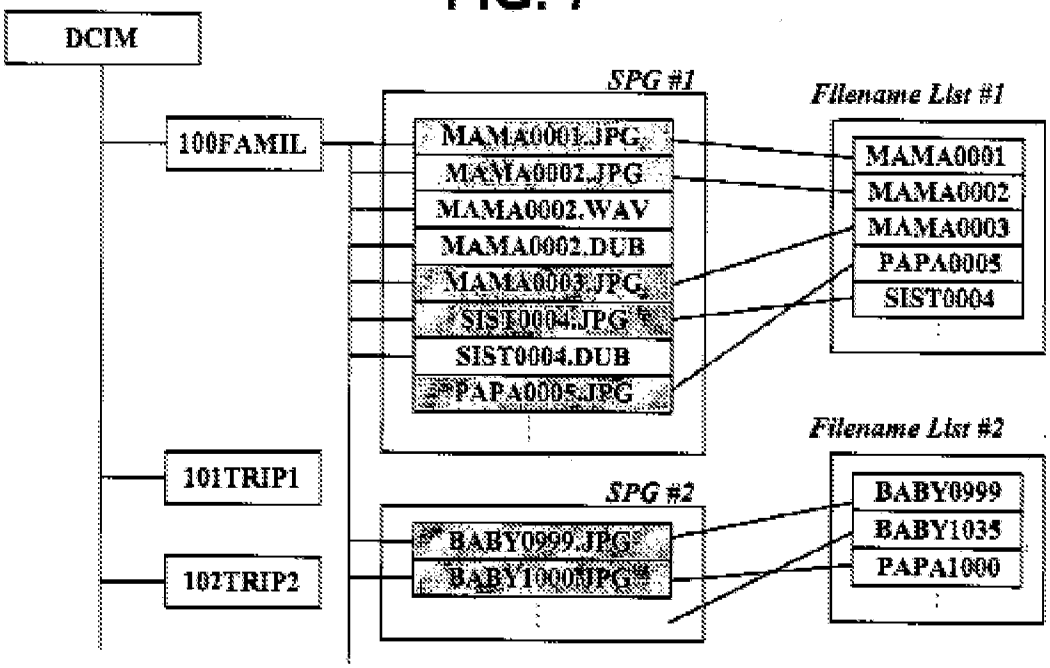
present method deletes a filename of the still picture written on the filename list including the filename of the still picture".

As to the mention of Fig. 8 of Um reference, in which there is no deletion of the index file for the picture. The previous paragraph in the abstract states the feature of deleting, also Par [0014] recites "receiving a deleting or an inter-group moving command for a still picture recorded on a recording medium; and deleting a filename of the still picture written on a filename list including the filename of the still picture"

> Regarding Claim 1, Appellant discloses that Um fails to disclose or suggest "wherein said file managing apparatus records a still picture in such a manner…and reorganizes said index file in such a manner that a plurality of still picture files…"

As to the above argument, Examiner respectfully submits that in Par [00042], Um reference discloses "A playlist file (*.rpls,*.vpls) defining presentation order of data files includes playitems. Each playitem is linked to a SPG through a group identifier written therein. Each playitem can include, as its member, a filename of still-picture information file (*.stli), and a start and an end picture file number (or filename) besides the group identifier." If there is an order there is an organization as shown in Fig. 7 the files state an ordering number.

FIG. 7



Each SPG has an internal organization of the grouped files.

Regarding Claim 1, Appellant asks for a clear identification of an example of the movie file in Um.

As to the above argument, Examiner respectfully submits that the definition of movie according to the Merriam-Webster dictionary clearly states that:

"1: MOTION PICTURE 2 *plural* : a showing of a motion picture 3 *plural* : the motion-picture medium or industry"

The clarification for the movie file in Um states that a each "SPG" includes a coding mode recited in Par [0045] being "The picture attribute includes a coding mode (JPEG/TIFF/*MPEG*)" which by the inclusion of MPEG coding and citing Par[0029], "the MPEG 2 muxer 16 at the same time, the formatter 17 selects the encoded

data or the *MPEG 2 stream to segment or group the selected data to yield successive data units,* adds necessary head information to each data unit, and transmits them sequentially to the DVR encoding DSP 18. The data unit has a size suitable for a recording unit area of a rewritable recording disk. The formatter 17 also produces management information for searching for and *controlling reproduction of the re-sized motion picture video and/or audio data*.".

The included "motion picture" is in fact the "movie" as claimed by the Appellant.

Regarding Claim 1, Appellant argues that the deficiencies of the Um reference and the Beattie reference clearly fail to remedy these deficiencies.

As to the above argument, Examiner respectfully submits that the Beattie prior art was added to emphasis the exact claim language of the recited feature to "deleted from said index file". Bettie's art refers to a "method for storing multi-media information in an information retrieval system" and the citation of (Col. 31, lines 26-39), in which the mentioned "index update unit" and clearly states that when the "When purging documents from the data center 110, the index update unit 932 deletes the document text or image from the document information directory and/or dependent image tables in database 118, and marks the document as deleted in the index system." The grouping is done prior the deletion of the document text or image from the directory and as the group

II. Regarding Claim 3

Appellant argued that neither Um nor Beattie disclose the recited features of "the file managing apparatus forms said movie file by successively acquired picture data"

As to the above argument, Examiner respectfully submits that Paragraphs [0028] and [0029] clearly state that "[In case that the encoded motion picture video and audio data are inputted from the movie encoders 14 and 15 and the MPEG 2 stream are from the MPEG 2 muxer 16 at the same time, the formatter 17 selects the encoded data or the *MPEG 2 stream to segment or group the selected data to yield successive data units, adds necessary head information to each data unit*, and transmits them sequentially to the DVR encoding DSP 18."

To clearly state the functionality of the Um prior art the following figure is shown:

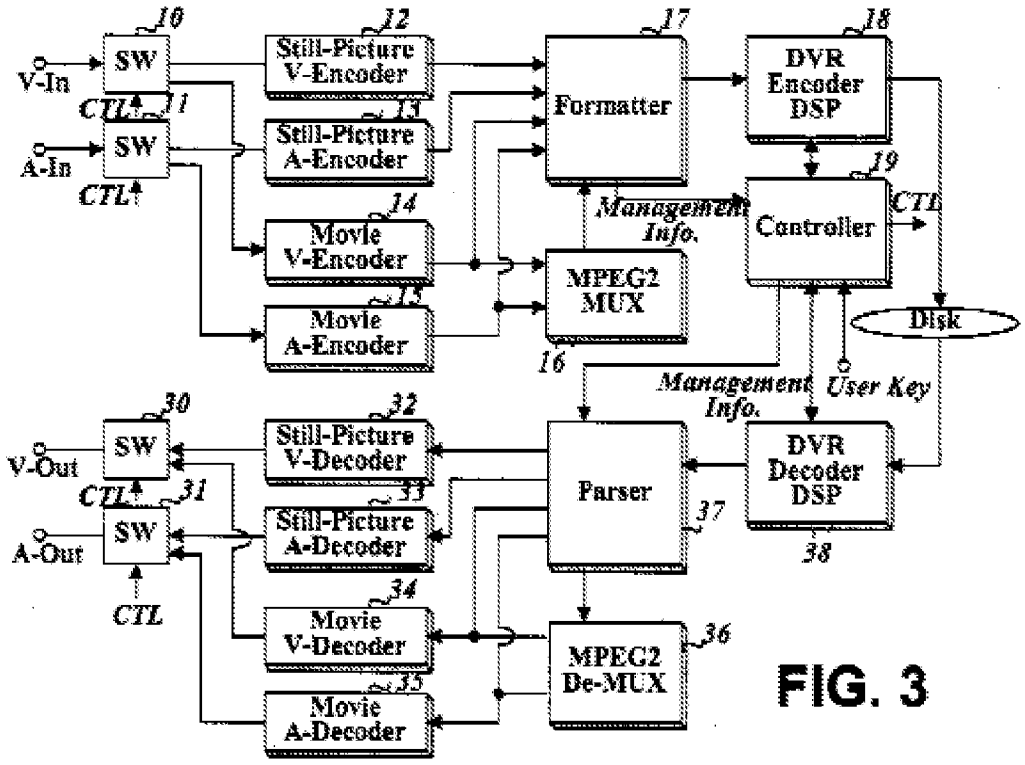


FIG. 3

Fig. 3 comprises of an input processing module, an output processing module, and a controller 19 conducting overall system control. The input processing module is composed of two input switching units 10 and 11, a still picture video 12 and a still picture audio encoder 13, a movie video 14 and a movie audio encoder 15, an MPEG 2 muxer 16, a formatter 17, and a DVR encoding DSP 18 while the output processing module is composed of two output switching units 30 and 31, a still picture video 32 and a still picture audio decoder 33, a movie video 34 and a movie audio decoder 35, an MPEG 2 demuxer 36, a parser 37, and a DVR decoding DSP 38.
As clearly shown in the figure the encoding or decoding of still pictures is done and formatted inputting the mentioned still pictures into the MPEG2 MUX or MPEG2 De-MUx the following definition to clearly state the functionality of the “MUX” or “multiplexer”.

According to Microsoft® Computer Dictionary, Fifth Edition (May 1, 2002):

The definition for multiplexer n. A device for funneling several different streams of data over a common communications line. Multiplexers are used either to attach many communications lines to a smaller number of communications ports or to attach a large number of communications ports to a smaller number of communications lines. Acronym: MUX.

The still picture is encoded through the multiplexers to provide the grouped motion picture file that will be recorded on the recording device. Um's prior art also disclose the

reverse functionality of the mentioned process from a motion-picture grouped file separate the files into single still pictures.

Regarding claim 1, Appellant argues that there is no setting of valid invalid information as valid in the property file in order to delete the index file and there is no registration of an entry include extract information about the movie file in the index file.

As to the above argument, Examiner respectfully submits that the abstract clearly states that the groups the recorded still pictures based on their "attributes" being the "properties" of the files as claimed. Also Par [0053] recites that "SPG, its filename is, in case of movement, deleted in a filename list of a previous SPG, as explained before, and is inserted in a proper *entry position of a filename list of a target SPG*."

The entry position being the "registration of an entry" and the information on the file is included in the entry.

III. Regarding Claims 4 and 5,

Appellant argued that neither Um nor Beattie disclose or suggest the features "acquiring the thumbnail data and forming it into the movie file"

As to the above argument, Examiner respectfully submits that in Par [0030], "having still or motion pictures, thumbnails and audio data and then modulates data of ECC blocks to corresponding recording waveforms that will form mark/space patterns on the surface of the rewritable recording disk. At this time, the controller 19 creates management

information to group still pictures and associated audio data or thumbnails. The group is determined based on attribute or subject of data objects, namely still pictures and/ or audio data." clearly stating that the thumbnails are acquired witht the still picture.

IV. Regarding Claims 2-11 and 12-14, the Appellant argued that similar reasons as stated for Claim 1 are incorporated.

As to the above argument, Examiner respectfully submits that the previously mentioned arguments for the reasons regarding Claim 1 are stated before and the Examiner relies on the same response for the mentioned arguments.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Angelica Ruiz/ AR

Examiner, Art Unit 2169

Conferees:

/Mohammad Ali/

Supervisory Patent Examiner, Art Unit 2169

/Hosain T Alam/

Supervisory Patent Examiner, Art Unit 2166